

# Kentucky



# Gazette.

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LEXINGTON, K. FRIDAY, FEBRUARY 26, 1819.

[VOL. XXXIII.

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## Laws of the United States.

(BY AUTHORITY.)

BY THE PRESIDENT OF THE UNITED  
STATES OF AMERICA.

## A Proclamation.

WHEREAS A Convention between the United States of America and His Catholic Majesty, made and concluded at Madrid, on the eleventh day of August, in the year one thousand eight hundred and two, by Charles Pinckney, at that time Minister Plenipotentiary of the United States in Spain, and Don Pedro Cevallos, Counsellor of State, Gentleman of the Bed Chamber, First Secretary of State, and Superintendent of Posts and Post Offices, fully authorized and empowered by their respective governments, was duly ratified by the then President of the United States, by and with the advice and consent of the Senate thereof, on the ninth day of January, in the year one thousand eight hundred and four; and was ratified by the King of Spain, on the ninth day of July last past: And whereas the ratifications of the two governments were exchanged, in this city, on the twenty-first day of December, by John Quincy Adams, Secretary of State of the United States, on the part of the United States; and Don Luis de Onis, Envoy Extraordinary and Minister Plenipotentiary from Spain, on the part of Spain: which Convention is, word for word, as follows:

A CONVENTION between His Catholic Majesty and the United States of America, for the indemnification of those who have sustained losses, damages, or injuries, in consequence of the excesses of individuals of either nation, during the late war, contrary to the existing treaty, or the laws of nations.

His Catholic Majesty, and the government of the United States of America, wishing amicably to adjust the claims which have arisen from the excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries: His Catholic Majesty has given, for this purpose, full powers to His Excellency Don Pedro Cevallos, Counsellor of State, Gentleman of the Bed Chamber in employment, first Secretary of State and universal despatch, and Superintendent General of the Posts and Post Office in Spain and the Indies: and the government of the United States of America to Charles Pinckney, a citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty, who have agreed as follows:—

1. A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the government of the United States, and the fifth by common consent; and in case they should not be able to agree on the person for the fifth Commissioner, each party shall name one, and leave the decision to lot: And hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed, in the same manner, to the appointment of persons to replace them.

2. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

3. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims, which in consequence of this Convention may be made, as well by the subjects of His Catholic Majesty, as by citizens of the United States of America, who may have a right to demand compensation for the losses, damages or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

4. The Commissioners are authorised, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive, as worthy of credit, all testimony, the authority of which cannot reasonably be doubted.

5. From the decisions of the Commissioners there shall be no appeal, and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims, as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging themselves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.

6. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, consuls or tribunals, in their respective territories, which might be imputable to their two governments, they have expressly agreed that each government shall reserve (as it does by this Convention) to itself, its subjects or citizens, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

7. The present Convention shall have no force or effect, until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

In faith whereof, we, the underwritten Plenipotentiaries, have signed this Convention, and have affixed thereto our respective seals.

Done at Madrid, this 11th day of August, 1802.

PEDRO CEVALLOS,

CHARLES PINCKNEY.

Now, THEREFORE, be it known, that I, JAMES MONROE, President of the United

States, have caused the said Convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled, with good faith, by the United States, and the citizens thereof.

In testimony whereof, I have hereunto set my hand, and caused the Seal of the United States to be affixed.

Done at the City of Washington, this twenty-second day of December, [L. S.] in the year of our Lord one thousand sand eight hundred and eighteen, and of Independence the forty-third.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,

Secretary of State.

## CONGRESS.

HOUSE OF REPRESENTATIVES,

JANUARY 20.

### DEBATE ON THE SEMINOLE WAR.

Mr. JOHNSON, of Kentucky, rose immediately after Mr. Clay. He felt himself called on, having been member of the committee which had had this subject under consideration, and as one of the minority on the report made by it, to express his views of the questions involved in the report, and in the propositions moved by way of amendment to it. Without further preface, he proceeded to state that the conduct of General Jackson, in regard to the trial and execution of Arbuthnot and Ambrister, had been the subject of censure, from a misconception of the law and of the facts connected with it; and particularly, by confounding two principles of the laws of nations which were in themselves separate and distinct. The general order directing the execution of these men asserted, that the subject of any nation, making war upon a nation at peace with that to which he belongs is an outlaw and a pirate; and, Mr. J. said, it was correctly asserted. And the very same page of Vattel on which gentlemen relied for the support of their doctrine, would bear him out in that for which he contended, and with which gentlemen had confounded one entirely different. That, where persons have joined the standard of a belligerent, they may claim the character and privileges of the belligerent party, was a principle of public law, was not to be denied; but if an individual takes upon himself to create and carry on a war, without authority from any government, it was a principle equally undeniable, that he is an outlaw and a pirate—not that he is either technically, but that, in fact & by analogy he is so to be regarded. It is an established principle of public law, that the crew of any vessel, engaging in war without the authority of any commission, may be treated as pirates, and put to the sword. If, on the land, the like course be pursued, he who is guilty of it is an outlaw and a bandit, and may be put to the sword. This was one principle of public law, and that which gentlemen had triumphantly asserted, (and which nobody denied,) was a wholly different one; both not only clearly supported by the authority of Vattel, but in the same page of that respected and excellent writer.

Mr. J. said he would venture to say, that every ground taken by that man whose valor and conduct on the memorable eighth of January, in the darkest period of the late war, had caused joy to beam from every face, would be found tenable on principles which have prevailed from the commencement of civilization to the present day. He pledged himself to produce chapter and verse to support his conduct in every incident of that war. He considered the essential interests of justice and of mercy to have been served in the execution of the foreign incendiaries who stimulated the Indians to barbarities on our frontier settlers: and that the military occupation of Florida by General Jackson was justifiable on the broad basis of national law, and of sacred duty to his country. When gentlemen undertook to say, that General Jackson had not the right of retaliation, let them recollect the case of proposed retaliation, during the revolutionary war, for the barbarous murder of Capt. Huddie. And on whom of the prisoners in our power did the lot fall? Not on a miserable interloper, but on Capt. Argill, an amiable and accomplished officer. What then said the Congress of the United States—that venerable and enlightened body which carried us through the Revolutionary conflict? What did they say? Why, sir, not only that the commander in chief, but that every officer on separate command, possessed the right of retaliation, and that they would support him in the exercise of it. It was true, that Argill was released, for reasons of policy; but the right of retaliation was fully sustained.

Four months, Mr. J. said, after the first blood was spilt in the revolution, at the battle of Lexington, and two months after the memorable battle of Bunker Hill, which shed such a lustre upon our arms, and nearly a year before the declaration of independence, this question of the right of retaliation was solemnly discussed and settled in the correspondence between General Washington and General Gage; in

"True to his charge—he comes, the Herald of a noisy world; News from all nations humbling at his back."

LEXINGTON, K. FRIDAY, FEBRUARY 26, 1819.

[VOL. XXXIII.

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[VOL. XXXIII.

which the former had broadly asserted the right of retaliation, and declared that he should be governed by it. In order to take from our commanding general this right at the present day, Mr. J. said, gentlemen had again blended and confounded principles of the laws of nations, which in themselves were entirely distinct. In case of individuals in an army violating the laws of nations, and the known rules of war, it is a clear principle that they may be punished with death; and it was a principle equally clear, that in contending with a savage foe, you are at liberty to retaliate on them their own usages. But gentlemen had blended these powers and rights with the right of reprisal: and had confounded the power of punishment for military offences by a court martial, with the power of putting to instant death a captive—a right inherent in the military power with which we have clothed the commander, and the exercise of which is a question between himself and his God.

I rejoice, said Mr. J. that the honorable gentleman who last addressed you, has expressed his opinion that the intentions of General Jackson, in what he has done, were good. I rejoice in it, sir, from my respect for that gentleman, whose opinion has with me more weight than that of any other individual: but this is a case in which the obstinacy of my nature will not permit me to surrender my opinion to any individual whatever.

It had been denied that any example could be produced of military execution, at the fiat of the commanding general, in our country. Mr. J. said he would give an instance in which two individuals were put to death by General Washington. Being given up by the revolted state line of Pennsylvania, as emissaries, sent by General Carlton, these men were instantly executed. For this fact, Mr. J. referred gentlemen to the Annual Register, which now lay before him.

It had been stated, that the crimes for which these men were executed, were offenses not recognized by the laws of the United States. Mr. J. denied the fact, and in doing so meant no offence to any one. These miscreants, who had imbruted their hands in the blood of our countrymen—the instigators of the murders, the fruits of which were three hundred seals in one place, and fifty in another, although, according to the documents read by the Speaker, it would appear that the Indians were three murders in arrear of us—these individuals had been condemned and executed in conformity to the letter, if not to the spirit, of the laws of the United States. According to our rules and articles of war, whoever should relieve the enemy, with money, victuals, or ammunition, or should knowingly harbor or protect them or hold correspondence with the enemy, were subjected to death. So far the rule as to our army, which, by subsequent articles, was made so broad as to apply to the whole human family. But, if there was, in this point, any defect of power, here came in the law of nations, to redress the deficiency: for that which subjects to death one of our own citizens, shall much more subject to death the foreign incendiary. Examples, in illustration of this doctrine, were plentifully scattered on the page of history. What was the fact, said he, as to the trial of the distinguished officer who was Adjutant General of the British forces, during the revolution? He was convicted on his own confession, and by a court composed of six major generals and eight brigadier generals. General Jackson, Mr. J. said, was only following in the steps of those who had gone before. He was not here, he said, about to maintain that General Jackson was faultless—if he had not faults, he would not be human—but he stood here to maintain his devotion to his country; and that, in the course he had pursued in the trial and execution of Arbuthnot and Ambrister, he had only trodden in the footsteps of the immortal Washington.

As to the execution of the two Indian warriors, by the exercise of a summary jurisdiction over them, and the distinction made between their case and that of the white men, the reason was obvious to every man who had ears and would hear, or who had eyes and would see. In relation to the Indian chiefs, their color was sufficient evidence of their subjection to his right of disposing of them as justice required. The law of nations clothed him with the power to put an end to their existence. As to the stratagem, of which gentlemen had complained, no one was less disposed than himself to look with a favorable eye on such stratagems as were contrary to morality. But there was no immorality in hoisting the flag of a foreign power, nor in capturing the person of your enemy when he unwarily puts himself in your power. Nor, in what had been done in relation to these Indians, was there any violation of humanity or public law. Do they meet us in honorable combat? said Mr. J. In the case of the unfortunate Mrs. Garrett, did they meet us in honorable con-

flict there? When they burnt the seaman alive, whom they had previously tarred and feathered, did they meet us in open combat? Was the war one in which Greek met Greek, or an American met the citizen or subject of any civilized nation? If it were, the course of General Jackson, so far from receiving approbation, would deserve execration. But considering the treacherous enemy he had to cope with, and the object of his measures, which was to give security to the frontier, and to save the wasteful expenditure of the blood, and even of the treasure of the nation; when I think on this, said Mr. J. I do not censure Gen. Jackson; but, as before my God, I give him my thanks. But for his energy, what would have been the consequence? The frontier of Georgia would have been deluged with blood, as it has been once before, and the gentleman from Georgia (Mr. Cobb) would again have called upon us, with a voice of patriotism, and a voice of thunder, too, to pay the gallant Georgians for going against the Seminoles.

With regard to the treaty of Fort Jackson, Mr. J. said, he should enter into no long argument, but he differed exceedingly from his honorable colleague. Have we not a right, said he, to dictate terms to a conquered enemy? Was not the war which was terminated by that treaty an unprovoked war? Was it not instigated against us, and without cause on the part of the Indians? On whose head should the blood fall, if you cannot control the Indians, with the bible? I wish to God you could, said Mr. J. and towards that object I will do, and have done, as much in my sphere as any one. There is at this moment, in the heart of my country, a school for the education of the Indians in the arts of civil life. But, when you come into contact with them, when they flourish their tomahawk over your head, are you to meet them with the bible in your hands, and invoke their obedience to that holy religion, of which the Speaker tells us? I should be the last to raise the sword against them, if the employment of such means would appease their fury. Experience had shewn it would not; and it became necessary to meet and chastise them. And would any man say, that, having put down their hostility by force, we had not a right to dictate to them the terms of peace? We had the right; and we made the treaty. That treaty received the sanction of every part of the government, this house among them, (by the appropriation to carry it into effect) and it was too late now to disturb it.

But, in regard to the Indian tribes, the extraordinary doctrine had been advanced—that they are to be considered, in every respect, in negotiating with them, as independent nations. What, then, Mr. J. asked, should we say of the treaty of Greenville, depriving those tribes with whom it was made of all the superior rights of sovereignty? What was to become of the declarations of our commissioners at Ghent, where the British government demanded, as a sine qua non, that we should not only acknowledge the Independence of the Indians, but should establish certain boundaries, within which the lands belonging to the Indians should never be sold to us? With what indignation had that proposition been met! The Indians, Mr. J. said, were in fact mere tenants at sufferance: not that he would treat them with harshness—for he never would. That the principle that we have a right to occupy the country, independently of the qualified right of the Indians, was recognized, not only by the treaty of Greenville, but by the treaty with Spain herself, who, in the treaty of 1795, stipulated to keep the Indians within their boundaries from disturbing our frontiers. And yet, after all this, it was contended, that we had been fighting with a sovereign and independent power.

If he was justified in right, and in the strictest interpretation of law in what he had done, as Mr. J. contended Gen. J. was, he could not see on what principle so great a hostility was raised against one of the most distinguished officers of the country; who had borne the helmet in the front of battle fighting its cause; whose every object was the good of his country—and who enjoyed the affection of the country in a degree not to be taken from him but by treason or the imputation of improper motives. Do we not, said Mr. J. stand in need of military fame? Do we not want it to secure us respect in Europe? Do we not want it at home?

As to the war, the constitutionality of which had been doubted, Mr. J. said, the President of the United States was not only authorized, but it was his bounden duty, to make war on the Seminole Indians. Admit, for the sake of argument, that beyond our boundary, they were to be considered as exercising a sovereign and independent authority. What would gentlemen gain by that admission? If it were true, had we not a right to trace them to their strong holds, even in a neutral country? On that point, the expositors of the laws of nations were not silent. It was there laid down, that you may pursue a retreating enemy into a neutral country, if the government of that country, either from partiality to him, or from inability to prevent it, shall not stop the progress of the retreating army.

Now, as to another point, which, perhaps considering it as too delicate, the military committee had not thought proper to approach. Mr. J. said he should be deterred by no such motive, from examining the question of the power of the President to prosecute this Indian war, and from censoring him, if, in doing so, he usurped power, or exceeded his duty. As early as the year 1787, the Congress had authorized the sta-

tions of troops on the frontier, to protect it from the Indians, and the calling out the militia for the same purpose. And this power had been acted on from year to year, until the law of 1795 settled the point conclusively, that, without a declaration of war by Congress, the President had the right to make war upon the savages; or, in the words of the law, on the Indian tribes. Let us, said Mr. J. look at our own powers—and how have we discharged them—instead of attempting to divest other branches of the government of their powers. What was our duty? To provide for calling out the militia—for what? To execute the laws, to suppress insurrection, and to repel invasion. It was on that principle that the power was granted to the Executive of this country to chastise the ruthless savages for individual murders, or for murders committed with their combined force. Has the president, then, said Mr. J. violated his authority? Certainly not. And if you take from him this authority, which he has so rightly exercised, what is to become of our citizens on the frontiers? The heart of our country might be penetrated, and the savages besiege our very doors, whilst we are making long speeches about the policy and humanity of representing their hostilities. Had such been the ease in the recent instance, either from a defect in the law, or in the execution of the law, the people would have said, our government is a rope of sand, and the blood and treasure spent in its establishment has been lavished in vain. According to the first word of military command, a little varied, it is made the duty of the executive to take care that the laws of the Union are executed, and that invasion is repelled; and for this purpose he may use the regular or militia force of the country. Would not it be an invasion, to have our helpless women, and the infant descendants of those who have fought our battles butchered by the indiscriminate tomahawk and scalping knife? And would not he be a violation of the laws of the country, to embed the hands of the Indians in the blood of our citizens?

He had already stated, he said, that Gen. Jackson displayed more knowledge in the wilds of Florida, on this subject, than any member who had taken part in this discussion; and that gentlemen had blended two principles in the laws of nations together, the distinction between which Gen. Jackson had seen and observed. The one was the ease of volunteers entering a foreign service, for the purpose of improving themselves in the use of arms and the knowledge of the art of war—which case is thus stated in Vattel, p. 401, see. 230: "The noble view of gaining instruction in the art of war, and thus acquiring a greater degree of ability to render useful services to their country, has introduced the custom of serving as volunteers even in foreign armies; and the practice is undoubtedly justified by the sublimity of the motive. At present, volunteers, when taken by the enemy, are treated as if they belonged to the army in which they fight. Nothing can be more reasonable: they, in fact, join that army, and unite with it in supporting the same cause; and it makes little difference in the ease whether they do this in compliance with any obligation, or at the spontaneous impulse of their own free choice." Such was the case of Kosciusko, of Fayette, and the other illustrious foreigners who entered our armies during the revolution, who were volunteers in the best of causes, but whose rights would not have been lessened had the cause been that of despotism and tyranny, instead of that of freedom and independence. But this case was widely different from that of interlopers, excitors of wars, and enemies of the human race, who might be hung up, and ought to be, by military law, as so many robbers and pirates.—In the course pursued by Gen. Jackson, then, and in his doctrine to which exception has been taken, he is even more than borne out by writers on the laws of nations, as Mr. J. shewed by the following references: Vattel, p. 400, see. 226. "Even after a declaration of war between two nations, if the peasants of themselves commit any hostilities, the enemy shows them no mercy, but hangs them up as he would so many robbers or banditti. The crews of private ships of war stand in the same predicament; a commission from the sovereign or admiral can alone, in case they are captured, ensure them such treatment as is given to prisoners taken in regular warfare." Martens, p. 272, b. 8. "The violences committed by the subjects of one nation against those of another, without authority from their sovereign are now looked upon as robberies, and the perpetrators are excluded from the rights of lawful enemies." Page 230. "Those, not authorized from their

"putting them to death as banditti." The evidence before the court sufficiently established the facts on which, under the above passages of the law of nations, Gen. Jackson was authorized, if not bound to proceed.

Was it supposed by gentlemen, Mr. J. asked, that Gen. Jackson was so ignorant of the language of his country that he did not understand the meaning of the words "pirate and outlaw"? An outlaw the convict certainly was, as out of the protection of the sovereignty of Great Britain or of any other nation. In relation to the term "pirate," it had other meanings than its technical one: there were pirates on land as well as on the ocean. We are not here, said Mr. J. to enquire whether Gen. Jackson used technical terms, but whether he did substantially and legally right. Whilst we are searching our law books and libraries for our difference between our situation and that of the general, while in the field; whilst our heads repose on downy pillows, and we can rise up and lie down when we please, he had an object to accomplish at every hazard, and at every cost, which he could not have attained if he had not acted as he did. Would you rather, said Mr. J. that these men were living and the country deluged in blood or that those men should have suffered according to their deserts? These men had been guilty of that for which one of our own citizens would have been put to death; and they were properly as well as legally put to death, in pursuance of Gen. Jackson's object, which was, according to his instructions to put a speedy and effectual end to hostilities so unprovoked. These men living, said Mr. J. the tomahawk and scalping knife, would have been sharpened anew, and other emissaries would have derived encouragement from their impunity. Answer me this, Mr. Chairman—Had you rather that the Mississippi and its various waters, the country to the Lakes and beyond them to the North Pole should have been jeopardized, that New-Orleans should have passed from your power, into the hands of the British during the late war, or that martial law should have been there established for a short time? For even that is now brought into view, which contributed so much to the glory as well as safety and honor of the country. If a man did not present himself in the attitude of suspicion, martial law did not affect him: I presume, sir, at least I hope, had I been there, I should have had no reason to dislike it. I have no particular respect for that desire of locomotion which could not bear to be restrained within certain bounds when the veterans of Wellington were to be met by the raw men of Kentucky and of Tennessee: I do not like that delicate fastidiousness of martial law, when the enemy is knocking at the gate. All men worthy of their country would make the sacrifice required of them on such occasions. If, for want of proper energy on the part of the commanding general, New-Orleans had fallen into the possession of our enemy, what would have befallen the inhabitants, independently of the sacrifice of property and life? Beauty and booty was the watch-word of the enemy. Had you rather, sir, that the enemy had succeeded in his object, or that this patriot should have put military law in force? As to the General, whose conduct I am proud to vindicate, said Mr. J. considered him in the grave as to ambition; if he ever had any—which I never saw, in him, except the ambition to serve his country. I do not speak of him because he is living, and that I never expect to see again those eyes that never winked at danger when he was called upon to meet it. He has added to the military glory of his country more, perhaps, than any other living citizen; and, in the view of all statesmen and all writers on National Law, the glory of a nation constitutes one of its greatest bulwarks of strength.

I now come, said he, to the consideration of the right of the President to make war on the savages; and on that point I contend, that we have on the statute book a perpetual declaration of war against them. I hope gentlemen will take down the expression, and attend to my explanation—I say, we have a permanent and everlasting declaration of war—and why? The reason is very obvious. I shall not differ from gentlemen as to the policy and justice of observing the duties of humanity towards that unfortunate people. God forbid that a drop of Indian blood should be spilt except on the principles of civilized man. But the President would be wanting in his duty to his country and to his God if he did not use the strong arm of power in putting down the savages by the force he is authorized to employ, if they cannot be put down by the precepts of our holy religion; and Congress, had they not passed such a statute, would be wanting in duty to their country. Do the Indians ever declare war against their enemy? Do they embody themselves and engage in open conflict with their adversary, or do they come, like a thief in the night, and carry death to the unfortunate woman, to the aged and infirm men, and the children whom they meet in their incursions? Is or is not that the universal practice? Let History answer the question. Should we, under these circumstances, have acted rightly, to take no precaution, but fold our arms in listless apathy, until roused by

the Indian yell? Our predecessors too well knew their duty to do that. As early as 1787, and farther back if it were necessary to trace, provisions of the same nature as those now existing were enacted by the venerable Congress of the Confederation. By various statutes the same provisions had been continued to the present day. The statute gave to the President a discretionary power to employ the forces of the United States and to call forth the militia to repress Indian hostility; and gave it to him properly, on the principles of the constitution. By the constitution, the President is made commander in chief of the army; and it is made his duty to take care that the laws are executed, to suppress insurrections and repel invasions; and, by the same instrument it is made our duty to provide for calling forth the militia to be employed in these objects. That power has been exercised in the manner which will be shewn by the law of the United States. [Mr. J. here requested the Clerk to read the statute to which he alluded; and it was read accordingly.] Now, Mr. J. said, he thought this was a declaration of war of at least equal dignity to the manner in which the savages make war against us, and the following was the part of the act passed Feb. 28, 1795, which was read:

Sec. 1st. That, whenever the United States shall be invaded, or in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the state or states most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, &c. [SPEECH TO BE CONCLUDED.]

Among the Memorials yesterday presented to the House of Representatives, was the following; of which, as it relates to a subject in which our readers have taken much interest, we have procured a copy for publication:

To the honorable the House of Representatives of the United States, the Memorial of William Jones, late President of the Bank of the United States, respectfully sweeth-

That your memorialist has, for some time past, been afflicted with a severe disease, which until the present moment, has precluded the preparation of the papers which he has now the honor to submit, in explanation of the testimony, touching his private concerns, which was delivered to the committee appointed by your honorable house to investigate the proceedings of the Bank of the United States; that your memorialist, solicitous to exhibit these transactions in their true light, and to submit his public conduct to the candid scrutiny of your honorable body, begs leave to refer to the statement of his private transactions in the Stock of the Bank, which he delivered to your committee, and to the statement of facts and the documents thereto annexed, herewith submitted, which he trusts will establish the lawfulness and innocence of these transactions that the only stock which your memorialist sold to profit, was the two contracts mentioned in his statement to your committee, which contracts were sold to a Director of the Bank, who was not likely to become the dupe of artificial measures, to enhance the value of the stock; that the shares which your memorialist subsequently disposed of, in order to meet his engagements, were sold at great loss; that the whole amount of stock which he now actually holds, as stated to your committee, cost him 153 dollars per share, and, if valued at the reduced prices, the result of his entire stock transactions will exhibit a very heavy loss; that in this amount are included 1070 shares, now pledged in London, (the sale of which is to this day restricted to 340 sterling per share,) for the payment of a loan which he negotiated, in order to avoid borrowing of the Bank of the United States, of which he has no loan whatever—nor is he indebted or responsible to that institution, either on his own account, or for any other person, directly or indirectly, for a cent; that he has held the stock which he now holds, during the progressive decline in price, while he has been earnestly engaged, in his official capacity, in promoting all those measures of precaution and of expense incurred by the importation of specie, which were indispensable to the safety of the institution, but which it was clearly foreseen would diminish the profits and dividends of the Bank, and greatly depress, at least for a time, the price of its stock. Your memorialist further declares, that his dealings in stock of the Bank were founded upon his confidence in the property and productiveness of the institution, in the many important advantages which, if fairly enjoyed, he believed it to possess over many other institutions, the market value of whose stock approximated to the highest rates which that of the Bank of the United States had attained—and in the recollection of the fact, that, towards the close of the charter of the old Bank, the government of the United States sold to Mr. Baring the whole of the public shares, at the rate of \$50 dollars per share: that in regard to his public conduct, as a Director of the Bank of the United States, your memorialist does most solemnly assure your honorable house, that he has been actuated by the purest motives; and with perfect fidelity, diligence, and zeal, has employed his best faculties and judgment in promoting such measures as he believed, at the time, were best calculated to advance the interest of the public, and of the institution: that the private transactions which have attracted the animadversions of your committee, have in no wise influenced his judgment or decision upon the important measures in which, as a Director, he has participated—and that the reasons and motives assigned in his written answers to the questions put to him by your committee, touching the proceedings of the Bank, and those which are recorded in the minutes and correspondence of the Board of Directors, are the true and only motives by which he has been governed in his official conduct: that, in advocating the loans on the pledge of stock, he was influenced by the additional consideration that the original constitution of the capital stock of the Bank comprehended twenty-eight million funded debt, and seven millions in money, whereas, by the rise of funded debt to and above its par value, so large an amount of the latter was substituted for the former, by the subscribers to the Bank, and so large a sum demanded by the government, and sold by the Bank to procure specie, as to create an aggregate of upwards of twenty millions of dollars in money, substituted for so much of the funded debt of the capital; hence your memorialist, considering the extreme facility with which Bank accommodation had given to over

trading, and its consequent effect upon mercantile credit, believed that at least ten millions of dollars, loaned on the pledge of stocks, would best fulfil the original design of the institution, and leave as large an amount of monied capital as could be safely loaned on personal security—and this belief has not been impaired by the result of his observation in regard to the existing loans of the Bank, which, according to the documents before your honorable house, are in the proportion of about twenty-seven millions in bills and notes resting upon personal security alone, to nine millions on notes of hand, secured by a pledge of stock.

With this brief exposition of the views and motives which have regulated his official conduct, your memorialist, with profound respect, submits his case to your wisdom and justice, in full confidence that his reputation will not be subjected to obloquy, by inferences alike repugnant to his principles and to the whole tenor of his private and public life—a life, the first perils and privations of which are identified with those of his country in the darkest period of her revolutionary struggle, as his late faithful services in a highly responsible trust are with her recent and not less momentous contest. Your memorialist moreover reposes with conscious rectitude and tranquillity, in the belief, that when truth shall have penetrated through the mist of prejudice which has obscured the services and merits of the institution in which he had the honor to preside, public sentiment will award to those who have managed its critical concerns that justice which is now withheld.

Philadelphia, 5th Feb. 1819. W. JONES.

[The documents accompanying the above letter consist of a Statement by Mr. Jones, and copies of his contracts for stock and transfer of the same. Regarding these statements in the same light as other statements, depositions, extracts &c. accompanying the report of the committee, and yet unpublished by us, we have thought it proper for the present to defer their publication.]

The above memorial was read and ordered to lie on the table.

## THE 22d FEBRUARY.

The anniversary of Washington's birth, was as usual celebrated in a handsome and appropriate manner, by the citizens of Lexington. Capt. Combs's Artillery fired a federal salute in the morning, and the several volunteer companies of Infantry paraded at an early hour.—THOMAS HICKEY, esq. delivered an excellent oration at the Court-house, and Mr. JOSEPH MAXWELL, on behalf of the Union Philosophical Society, delivered a handsome address to a large audience of ladies and gentlemen at the University. A large party of gentlemen dined at Mess. Lanphear and Carter's Coffee House. A Ball at Mr. Keen's in the evening was graced by the beauty and fashion of the town.

Reporter.

## TOASTS,

BY THE COMPANY AT MESS. LANPHEAR AND CARTER'S.

1st. THE DAY—Sacred to the memory of him, who with his counsels and sword most ably supported and maintained our independence.

2d. WASHINGTON—Who advised us to draw stronger the cords which connect our union, and rely upon it as the ark of our peace, safety, and happiness.

3d. WASHINGTON—Who considered all as traitors, who opposed the constitutional laws of the union.

4th. WASHINGTON—Who taught us, "that our union ought to be considered as the main prop of liberty—and that the love of one ought to endear to us the preservation of the other."

5th. WASHINGTON—Who has told us, "that respect for the authority of the general government, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty."

6th. WASHINGTON—Who has told us, "that the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacred, and obligatory upon all."

7th. "Jack-O'-Lantern" Policy—it invites me in, and kicks me out—modern hospitality heretofore unknown in Kentucky.

8th. A Political Paradox.—The right of Congress to pass a law—and the right of Kentucky to defeat its provisions.

9th. Our Relations with Spain—No more procrastination.

10th. General Jackson—The hero of Orleans.

11th. The Minority in the late Legislature of Kentucky—Who resisted the unconstitutional attempt to expel the Branches of the United States' Bank from the state.

12th. The Memory of Gen. Charles Scott—The early friend and constant companion of Washington, and the firm and steady patriot.

13th. Transylvania University—May it always be governed with religious and political toleration.

14th. Isaac Shelby—The Kentucky Cincinnati.

## VOLUNTEERS.

By Capt. L. Combs. The Orators of the Day—May the excellence of their precepts be duly appreciated.

By Capt. Lowry. Our attentive Hosts—Their efforts to please deserve the public patronage.

CINCINNATI FEB. 15.

The following gentlemen were lately appointed Directors of the Office of Discount and Deposit of the Bank of the United States at this place:

Jacob Burnet,  
Martin Bonner,  
James Findlay,  
John H. Plaut,  
Hugh Glen,  
James Keys,  
Wm. H. Harrison.

Thomas Stow, jr.  
Wm. M. Worthington,  
Andrew Mack,  
William Piat,  
Joseph Perry,  
Daniel Drake.

New-York Lawyers.—We were astonished to find that the state of New-York has the honor to contain within its spacious bosom TWELVE HUNDRED attorneys and counsellors at law. Of this number 230 are in the city of New-York.

PHILADELPHIA, FEBRUARY 11.

DEREZEAU, one of the persons concerned in the late robbery of the U. S. Mail, was apprehended near Lancaster, and brought to this city and lodged in prison last night. He made a full confession of the whole transaction. The money found on him was but a small amount.—The other robbers were to negotiate the post notes and drafts, and remit his share to him.

## COWS.

FOR SALE, several MILCH COWS. For particulars and terms, apply at the Tammany Steam Mills.

Lexington, Feb. 26, 1819.—3r.

## CONGRESS.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, FEB. 10.

The House resolved itself into a committee of the whole, Mr. Bassett in the chair, on the general appropriation bill for 1819.

The appropriation contained in the bill, of 250,000 dollars for the payment of monies due and becoming due on existing contracts for completing the road from Cumberland, in Maryland, to the state of Ohio, with the amendment of Mr. Clay, to add an appropriation of 285,000 dollars, for the completion of said road, gave rise to much debate.

Mr. Smith, of Md. Mr. Clay, Mr. Findall, Mr. Beecher, Mr. Putkin, spoke in favor of the appropriation, Mr. Johnson, of Va. against any appropriation for this object, Mr. Baldwin against the latter appropriation, and Mr. Tallmadge against the appropriation, on the ground of imputed misapplication of the money.

Mr. Johnson, of Virginia, moved to strike out of the bill the clause appropriating 250,000 dollars for present contracts; which motion was negatived.

Mr. CLAY moved to insert an additional appropriation of 285,000 dollars for the completion of the road; which was agreed to by the following vote:

For the additional appropriation 66  
Against it 61

The committee then proceeded to the consideration of the bill from the Senate, referred to the same committee, to increase the salaries of certain officers of the government, (to give the Heads of Departments salaries of 6000 dollars each, the Postmaster-General 4,000, and the Attorney General 3,500 dollars.)

Mr. Hopkinson moved to amend this bill so as to give the Chief Justice of the United States 5000 dollars per annum, and to the Circuit Judges 4,500 dollars per annum.

After Debate, which shall soon be given, this motion was agreed to, 69 to 57.

Mr. WHITMAN moved an amendment to increase the salaries of the two Assistant Postmasters General from 1,800 to 2,500 dollars per annum; which was negative.

Mr. RICH moved to reduce the proposed salary of the Heads of Departments from 6000 to 5500; which motion was negatived by a considerable majority.

When the committee was about to rise—

Mr. CLAY rose and said, that it had been his settled intention to renew, pending this bill, the proposition which he had the honor of submitting at the last session, having for its object the recognition of the independence of the United Provinces of South America. He was restrained from executing that intention by two considerations: one was his personal indisposition, but another, and more important one was, the small portion of the session yet remaining to transact the public business. Whilst he was up, he would say, that so far from his opinions, expressed on the former occasion, having undergone any change, they had been strengthened and confirmed by all the occurrences which had subsequently taken place. He had been anxious, if time had permitted, to examine what appeared to him very exceptionable reasons assigned, for declining to recognize our Sister Republic, in a paper entitled to the most profound respect, the message of the President at the opening of the Congress. He was desirous also of noticing the still more exceptionable grounds taken in a paper recently transmitted to the House from the Department of State, (it ought to be laid upon our table; why it was not he did not know—he hoped our worthy Clerk would in his future contract for the public printing guard against the delay to which we have been so often subjected.) From that paper it appeared that even a Consul could not be received from the southern republic; because the grant of an executor implied recognition! We receive her flag; we admit her commerce, and yet refuse the Consular protection which that flag and commerce necessarily drew with them! But to submit his proposition, would be to occasion perhaps a protracted debate. And considering the few days left us, the pressing and urgent, though not more important, business yet to be done, he should hold himself inexorable to the House and to the country, after having himself so materially contributed to the consumption of time in debate, if he were even the unintentional instrument of preventing the passage of what might be thought essential laws. He would like exceedingly to contrast the objections urged against the reception of the Venezuelan Minister with the more forcible and stronger personal ones that lay to the reception of the present Spanish Minister. But, deep as was the interest which he heretofore had felt, and still felt, in the success of the great struggle to the south, he must for the reasons assigned, forbear to press any proposition upon the House at present. Should it be necessary at another session, and should he have the honor of a seat on this floor then, he pledged himself to bring up the subject, unless adverse causes should render it highly inexpedient.

Let us compare his victory over the Creek, with other victories obtained over a similar enemy, and recorded in our history. When Sullivan advanced to avenge the massacres of Wyoming, excited by British agents, and perpetrated by Indians and traitors, he commanded five thousand men, and found eight hundred Indians posted behind a breast work, with a river in their rear; a battle ensued; the Indians were beaten, and left eleven of their warriors dead on the field of battle. At Point Pleasant, where the Indians were defeated in 1774, where a Lewis commanded, and a Lewis fell, they left eighteen of their warriors dead on the field of battle. When Wayne, after years of preparation, gained his victory over the Indians of the North West, they left twenty of their number dead on the field of battle. At Tippencanoe the Indians were defeated, and their loss so considerable, that they left more than thirty warriors on the field of battle.

At Point Pleasant, where the Indians were defeated in 1774, where a Lewis commanded, and a Lewis fell, they left eighteen of their warriors dead on the field of battle. When Wayne, after years of preparation, gained his victory over the Indians of the North West, they left twenty of their number dead on the field of battle.

And shall we see him depart from this city in disgrace; censured and dismissed from office by Congress; and like Camillus imploring Heaven so to direct human affairs, that his country may never have occasion to regret her treatment of him? No; it cannot be. Forbid it every power that guards the protectors of innocence! Forbid it policy! Forbid it gratitude! Forbid it justice!"

BUENOS AIRES.

Late official information had been received by the Government of Buenos-Aires, of the outrageous conduct of the Privateer brig Maipo, captain JOHN DANIELS, of Baltimore. They have passed a decree declaring him a pirate and outlaw, and compelled a Mr. Ford, who was his security in the sum of ten thousand dollars, to pay the amount into court. They have also published a decree, stating their determination to render justice to all nations, and disavowing the many disgraceful acts done by privateers under their flag. A private letter states that a Bank was about to be established at Buenos Ayres. By the last accounts received, Talcahuano in Chile had been evacuated by the Royalists. A paper of the 16th of October gives the official account of the evacuation, and of the taking possession by the Chilean army.

Let us follow the general to New-Orleans. There we find him with a motley force of three thousand six hundred men, meeting 12 thousand of the best troops that ever appeared on our shores. May I not say of the best troops that ever appeared in any age or nation? Yes—and they were as unprincipled as fearless.

They had driven the warriors of

### AN ACT

To alter and amend the law concerning Usury.  
§ Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall hereafter, upon any contract, take directly or indirectly for loan of any money, wares, or merchandise, or other commodity, above the value of six pounds for the forbearance of one hundred pounds for a year, and after that rate for a greater or lesser sum, or for a longer or shorter time. All bonds, contracts, covenants, conveyances, or assurances, hereafter to be made for payment or delivery of any money or goods so to be lent, on which a higher interest is reserved or taken [than] is hereby allowed, shall be utterly void so far as relates to usurious interest; but the amount so loaned, with lawful interest thereon, he, she, or they shall be entitled to recover; Provided, nevertheless, that if the lender shall refuse to receive the principal with lawful [interest] on a tender thereof, previous to the institution of a suit for recovery, he, she, or they so refusing, shall pay the cost of said suit; but in no case either at common law or in chancery, or in any other way, shall the lender be prevented from recovering the debt with lawful interest thereon.

§ 2. All acts or parts of acts coming within the purview of this act shall be and the same are hereby repealed. This act shall be enforced from and after its passage.

DIED, in the vicinity of Bladensburg, on Saturday morning, General ARMISTEAD T. MASON, of Loudon county, Va. aged about 33 years. He was killed in a duel fought with muskets, at a short distance; at the first discharge he fell, and his antagonist was wounded. Thus has Virginia lost one of her most esteemed sons. He has been, already, for a time, her representative in the Senate of the United States; and, it has been said, would have been the next Governor of the state. A bereaved mother, wife, and child, and a large circle of affectionate relatives, are plunged, by this sad event, in deep and inconsolable affliction.

Alex. Herald.

From the National Messenger. The public feeling has scarcely ever been more strongly excited than by the sanguinary duel between Gen. ARMISTEAD T. MASON and Mr. JOHN McCARTY. These two gentlemen, attended by their friends, met near Bladensburg early on Saturday morning. Their weapons were muskets, and the distance was twelve feet. They both fired at the same moment. Mr. McC. was wounded in the arm, and Gen. M. was killed on the spot.

These gentlemen were intimately connected by the ties of blood and family. They, themselves, were cousins; and the sister of one was married to the brother of the other. He, who fell, has left a mother, a wife and children.

Of the cause of this unhappy quarrel, we know little. It is believed to have been originally but slight; and though greatly aggravated by long and mutual exasperation, it was considered at an end, until, by injudicious intermeddling, it was revived, and suddenly brought to this fatal issue.

The steam boat Franklin was sunk near St. Genevieve on the 24th January, with a full cargo of groceries bound to St. Louis.

The secretary of the treasury has issued a circular letter to the receiver of public money in Illinois, Missouri, Mississippi, Alabama and at Detroit, authorizing them to receive the notes of the bank of Georgetown, Ky. in all payments for public lands.

### SOUTH AMERICA.

We are enabled, today, to lay before our readers an official copy of Bolivar's proclamation for convoking the congress of Venezuela. It contains a sketch of events well worth perusal, and, as many contradictory reports prevail, it is valuable, as it emanates from an authentic source.—Wash. City Gaz.

### VENEZUELAN PROCLAMATION.

SIMON BOLIVAR, chief supreme of the republic of Venezuela, captain general of its armies and those of New Grenada, &c. &c.

### TO THE PEOPLE OF VENEZUELA.

The congress of Venezuela must fix the fate of the so many years opposed and wandering republic. Our wounds will heal under the shelter of a legitimate representation. It is not by a vain ostentation, nor to make my own apology, that I address you: I have served you, and owe you an account of my conduct.

When nature's convulsions buried the people of Venezuela under the heaviest dejection, Gen. Montevideo brought to nothing our new-born republic. Fearing rather tyranny than death, I then bade farewell to the shores of Venezuela, and went in search of the war that raged against the tyrants of New Grenada, as the only relief to the pangs of my heart. Heaven listened to my vows and lamentations, and the government of Carthagena intrusted to my care 400 soldiers, which in a few days liberated Magdalena, and the greater part of the province of Santa Martha. I afterwards marched to Cuenca, and there victory declared for our arms. Venezuela saw me appear upon its territory crowned with the favors of fortune.

The congress of New Grenada granted me leave to redeem my native country. I had soon the good fortune to reinstate the authorities constituted in the first epoch of the republic in the provinces of Truxillo, Merida, and Barinas.—The capital of Caracas received in its bosom the brave Grenadians. Puerto Cabello, protected by its walls, attracted soon my attention by its resistance, and hardly gave me time to take measures

to save from disorders the populous country we had wrested from the tyrants of Spain.

Solomon's expedition gave new hopes to the royalists; and though defeated at Barbudo and Las Orincheras, infused such confidence into our enemies, that the plain and the western part of Venezuela revolted almost on a sudden, in the battles of Mosquitero and Araure, the western part and the plain. I hastened then from the field of battle to the capital—I made a renunciation of the supreme power, and the 2d of January, 1814, gave account to the people of the events of the campaign, and of my civil and military administration. The people, all at once, answered with an unanimous voice of approbation, bestowing even the dictatorial power which I already exercised.—New reverses called for me in the field, and after a bloody conflict, I came from the field of Carabobo, to assemble the representatives of the people, that they might constitute the government of the republic. The disaster of La Puerita buried in confusion our afflicted country, and nothing then could stop the thunderbolts thrown against it by the wrath of Heaven.

I marched to New Grenada; gave account to the congress of the success of my commission; they rewarded my services, though fruitless, intrusting to me a new army of Grenadians and Venezuelans. Carthagena proved the grave of that army, that was to restore life to Venezuela.

I forsook every thing for the safety of the mother country; I voluntarily chose to banish myself, that I might be useful to New Grenada and Venezuela. Providence had already resolved upon the ruin of those wretched regions, and delivered them to Morillo with his exterminatory bands.

I sought after an asylum in a foreign island; I came to Tamaico alone, helpless and almost hopeless. Though Venezuela and New Grenada were lost; yet I durst think of expelling their tyrants. The Island of Hayti received me with hospitality; the magnanimous president Petion, lent me his protection; and under his auspices I formed an expedition of three hundred men, comparable to the companions of Leonidas. Almost all of them have fallen; yet the exterminatory army has fallen also; three hundred patriots have marched to destroy ten thousand European tyrants, and have succeeded.

When I arrived at Margarita, a general assembly elected me supreme chief of the nation: I had a mind to convene the congress. I, in effect, convoked it a few months afterwards; the events of war did not however permit me to accomplish that wished for act of national will. Free Guyana! Free, the greater part of Venezuela; nothing hinders us now, from restoring to the people their sovereign rights. Venezuelans; our arms have overthrown the obstacles, which tyranny opposed, to our emancipation. In the name of the delivering army, I put you in possession of the enjoyment of your imprescriptible rights; our soldiers have fought to save their brethren, wives, fathers, and sons; but did not fight to subjugate them. The army of Venezuela only imposes upon you the condition, that you should keep entire the sacred deposit of liberty; I impose upon you another condition not less just and necessary to the attainment of that precious state. Elect for your magistrates the most virtuous of your fellow citizens, and forget, if you can, in your choice, those who delivered you. For my part, I renounce, for always, the power you have conferred upon me; and I will never admit of any other but a military one, as long as lasts the unhappy war of Venezuela. The first moment of peace will be the last of my command.

Venezuelans! cast your eyes upon the past, but to shudder at the shoals which have undone you—withdraw your eyes from the woful monuments that recall to your memory painful losses.—Think only of what you are about to do, and penetrate well yourselves, that you are all Venezuelans, the sons of the same country, members of the same society, and citizens of the same republic. The word of Venezuela is liberty and peace. Our arms conquered peace; your wisdom will give us liberty.

### BUENOS AIRES.

A friend in this city who is in possession of late dates from Buenos Ayres, informs us, his letters state that Mr. Halsey, U. S. Consul at that port, had suddenly taken his departure from thence for Chilie, leaving his official papers behind him, without being put into the charge of any one; in consequence of which the supreme director, from motives of friendship to the interests of the United States, had ordered them to be procured and lodged for safe keeping under the superintendance of an officer of the republic. In the absence of Mr. Worthington, who is also said to have gone to Chilie, this was thought to be the only step whereby documents valuable to the United States could have been preserved. An unauthorized person in the meantime, is said to have taken the advantage of Mr. Halsey's absence, and attempted to exercise some of the consular functions.—Wash. C. Gaz.

### Latest from England.

SATURDAY, Feb. 4. By the arrival last evening of the fine fast sailing ship Athens, capt. Lee, in 37 days from Liverpool, the Editor has received Liverpool papers to the 24th December, and London to the 25th of the same month.

The Paris papers state that Mr. Roy,

The Paris Moniteur mentions that there had been a great commotion at Lyons, alarming in its nature.

Lord Ellenborough, chief justice of England, died on the 13th December.

The Courier says, there is no foundation for the reported changes in the ministry, with the exception of the retirement of lord Mulgrave from the master-generalship of the ordnance, which is to be filled by lord Wellington.

Sir Philip Francis, the supposed author of Junius, departed this life on the 22d December last, in the 79th year of his age. Papers and documents are said to have been found which conclusively prove that Sir Philip Francis was the author of Junius.

The London Courier is very loud against Mr. Monroe when commenting on his message to Congress. The case of Arbuthnot and Ambrister is adverted to; and many petty anathemas pronounced against the government. The Courier also indulges in the old slang of a division of the states—that we cannot remain long a federate union under our general government.

The London papers are full of reports of disturbances in Spain. It is even said that the King is murdered; again that he has abdicated the throne. But nothing is distinctly stated except that the condition of affairs in Spain was such as to lead to the expectation of convulsions in that quarter.

### KENTUCKY GAZETTE.

LEXINGTON: FRIDAY, FEBRUARY 26.

Application having been made to the circuit and district judges of the United States, for an injunction to restrain Richard Taylor, the sergeant of the court of appeals of Kentucky, from proceeding in the execution of the state law, authorizing and requiring him to collect a tax of 5,000 dollars a month from the branch bank of the United States in this place, a special session of the court commenced yesterday in this place for the purpose of hearing the cause—present,

Judges Todd and Trimble. The attorney general of the state appeared in court, and moved a dismissal of the application for an injunction, on the ground that the court had no jurisdiction in the case. He was replied to by Mr. Wickliffe, district attorney, on behalf of the Colsons, a member of the committee of the district of Columbia, that that committee expects to propose to the house a plan for connecting the eastern extremity of that road, at Cumberland, with the seat of government, without expense to the United States. Though the features of this plan were not developed, it is presumed it is founded on the application of the subscription, to a certain amount of our district banks to the stock of the company incorporated for constructing that road, to be made in consideration of a renewal of their charters, which will expire before no long time.

The other principle decided in committee of the whole, was on the proposition of Mr. Hopkinson, by way of amendment to the senate's bill for increasing the compensation of the heads of departments in the government, to increase also the salaries of the chief justice and the circuit judges of the courts of the United States, one thousand dollars each. This act requires confirmation by the house, and the concurrence of the senate; both of which, it is hoped, it will receive. We ought to be able always, as now, to command, for the bench of our supreme court, the first talents of the nation.—Nat. Int.

The house of representatives of the United States have engaged in discussing the motion to reduce the army, and have finally passed the general appropriation bill, and the bill to raise the salaries of the heads of departments, including also the judges of the supreme court of the United States, and the assistant postmasters general.

The supreme court had heard argument in the case of Barr against Gratz.

The report of the bank committee, and the various motions to amend or annul the charter, were taken up in congress last week; and the supreme court of the United States assigned Monday last as the day on which they would take up the question of the right of the states to tax the national bank. We believe that congress will take no step with a view to injure or destroy the bank, and that the supreme court will decide against the power of the states to tax it.—ib.

The house of representatives of the United States, have rejected the resolutions censoring the execution of Arbuthnot and Ambrister, and the capture of St. Marks and Pensacola, by large majorities. Of the Kentucky delegation, Mr. Clay, Mr. Robertson and Mr. Trimble voted for the resolutions, and Col. Johnson, Mr. Desha, Mr. Anderson, Mr. New, Mr. Quarles and Mr. Walker against them. Mr. Clay closed the debate on the subject, in a speech distinguished by his usual vigor and eloquence. It is a fact, that this gentleman treated the executive and Gen. JACKSON with the utmost respect, frequently complimenting them as he passed along in the debate; it is a fact, that he supported and praised the President for restoring Pensacola: and yet certain sycophantic Editors, to recommend themselves at Washington, have accused Mr. Clay of being governed on the occasion by hostility to the administration! Our readers know, that we differ with Mr. Clay respecting the Seminole war; that we approve the conduct of Gen. JACKSON entirely in that war; and that we disapprove the restoration of Pensacola. But, at the same time, we know that the motives of the Speaker on the subject have been patriotic and pure, and his course frank, honorable and high-minded. None but knaves themselves, none but men incapable of acting from honest motives in politics, can perceive in the conduct of that able statesman, any thing but devotion to principle, to country, to the constitution and liberties of the people. With reference to these alone was he disposed to disapprove the proceedings of Gen. JACKSON: he expressly declared that Spain had no right to complain. Is such a man as this to be

ever denounced, if he ventures on any occasion to pursue the honest dictates of his deliberate judgment? The very authors of these denunciations may live to see the day when they will be the foremost to eulogize him whom they are now basely aspersing: and their motives will then be about as honest as they are now. But we did not set out in this article to praise Mr. CLAY: he stands in no need of our eulogies. His character as an orator, a patriot and statesman is identified with that of his country; and we greatly mistake, if it require the spirit of prophecy to foretell, that that character will be respected as long as the liberties of the republic shall last.

### CONGRESS.

Two principles of considerable importance, have been decided in the house of representatives.

The one relates to the completion of the Cumberland Road, as it is usually called. For the payment of the monies on contracts already made in regard to that national work, it was proposed, in the general appropriation bill, to appropriate 250,000 dollars, leaving 150,000 dollars yet to be appropriated for that object; and making, in the whole, 400,000 dollars to be appropriated for fulfilling existing contracts.

A motion was made by Mr. CLAY, to appropriate, additionally, 285,000 dollars for completing those parts of the road not yet commenced, being thirty miles; for the completion of which, it appears, proposals have been made, from a very respectable and responsible quarter, at the rate of 9,500 dollars per mile. This motion was, after a pretty long debate, which shall appear at a convenient season, agreed to. The confirmation of this vote by the Senate, as well as the approbation of the President, are yet required, to ratify this provision.

We are glad to hear it stated by Mr. Colson, a member of the committee of the district of Columbia, that that committee expects to propose to the house a plan for connecting the eastern extremity of that road, at Cumberland, with the seat of government, without expense to the United States. Private letters from Havana, received at Charleston, state that the Spanish Royal expedition sailed from Havana on the 15th ult. to take possession of Pensacola, lately occupied by the American troops.

Some anxiety has been expressed respecting the interview which will probably take place between him and Gen. Scott, who commands at New York. It is well known that a disagreement of the most serious nature has, long, existed between these two officers. The rumors which are abroad on this subject, are, perhaps, not altogether to be relied on. Gen. J. has, however, as we understand, made no secret of the affair, and during his stay in Washington has been liberal in showing the correspondence, which took place between himself and Gen. S. and from this it appears, if the rumor is correct, that Gen. S. has positively declined the invitation of Gen. J. to meet him, declaring that no consideration whatever shall ever induce him to fight a duel.

Since the termination of the discussion of the Seminole war, Gen. J. has more than once attended the proceedings in the house of representatives.

It is said that a court martial is now sitting in Washington, for the trial of one of the naval officers, on charges preferred against him by the officer under whose command he served, for his conduct in the memorable battle of Lake Erie. Commodore Perry, it is said, has declared his willingness to meet captain Elliott, if he should fail in substantiating these charges.

It is stated in a late London paper, that 20 or 30 persons, lately exchequered for selling slow leaves for tea, and counterfeiting coffee, have taken their departure for the U. States. Sir Gregor MacGregor.—From Nassau about 12 days since, we learn that this officer had touched there on his passage from London to Venezuela in a fine brig of 18 guns, and had sailed again to join Lord Cochrane's squadron, which consisted of 2 frigates, 2 sloops and 2 brigs of war, besides transports. The number of land forces said to have gone out in this expedition amounted between 3 and 4000. It was recently reported at Nassau, that Sir Francis Burdett was also engaged in the emancipation of South America.—Private letters from Havana, received at Charleston, state that the Spanish Royal

expedition sailed from Havana on the 15th ult. to take possession of Pensacola, lately occupied by the American

troops.

Messrs. MURRAY, FAIRMAN, & CO of Philadelphia, having prepared a package of Bank paper for the Newport bank, of the denominations of \$100, \$50 and post notes, they inadvertently delivered the same to a swindler who counterfeited the President and Cashier's names, and put the same in circulation.

The Directors of the said Bank having taken the case under consideration, have thought proper to notify the public that no notes of the above denominations, nor any post notes have ever been issued from this bank. By order of the Directors,

HUBBARD BERRY,  
Cashier of the Newport bank.

Newport, Ky. Feb. 12, 1819—[26—3t]

### Farmers' & Mechanics' Hall.

MY INTEREST in this valuable and commodious establishment, situated at the end of the Lower Market-house, on Water-street, will be Sold, or Rented for one year, or during my lease, on liberal terms. The value of this property is so well known, as to need no comment. Persons desirous of viewing the premises or hearing the terms, may do so, on application to

W. CONNELL.

The Stock and Furniture on hand may be taken or not, as may suit the purchaser or renter.

W. C.

Lexington, Feb. 26—3t

### Notice.

James Hughes's heirs,  
Against  
George Johnston and the heirs of Thomas Shore,  
deed. to wit: Elizabeth Smith Shore, Jane  
Grayson Shore and Mary Louisa Shore,

### IN A SUIT PENDING IN THE GREENUP CIRCUIT COURT.

THE defendants, their agents and attorneys, are notified, that depositions will be taken to be read in evidence in the above suit, at the times and places hereinbefore expressed; on Monday the 5th day of April next, between the hours of six o'clock in the morning and six in the evening, at the house of James Sandusky, in the county of Bourbon, adjoining from day to day until completed: On Monday the 12th day of April, between the same hours, and to continue from day to day as aforesaid, at the house of Jacob Sandusky, in the county of Woodford: On Wednesday the 14th of April, between the same hours, continuing from day to day as aforesaid, at the house of John Smith, also in Woodford county: and on Monday the 26th day of April, between the same hours, adjoining from day to day as aforesaid, at the office of John M. McConnell, Esq. in the town of Greensburg.

JOSH. HUMPHREYS,

Feb. 26, 1819—10t. For Hughes's heirs.

### E. STAPP.

GEORGETOWN, KENTUCKY,  
HAVING purchased and improved the property formerly occupied by Maj. John L. Johnson, embraces the earliest opportunity of informing his friends and the public that he has commenced keeping a

### House of Entertainment,

for the accommodation of Gentlemen and Ladies, on Main and Cross-streets, at the sign of the EAGLE, where every article both foreign and domestic of the best quality, will be kept constantly on hand.

### Elegant Carpeting.

Just received and for sale at the Store of T. E. BOSWELL & CO.

Brussels & Scotch Carpetings,  
Which they offer at a very reduced price.

Jan. 1, 1819-<sup>tf</sup>

### NEW GOODS.

THE Subscribers have received, and are opening a choice collection of FALL AND WINTER GOODS, Which they will dispose of at their usual low prices.

TILFORD, TROTTER & CO.  
N. B. GOLD AND SILVER PATENT  
LEVER WATCHES,

For sale at Philadelphia prices.

BOLTING CLOTHS, from No. 3 to 7.

T. T. & Co.

Lexington, Jan. 1, 1819-<sup>tf</sup>

### Sabree & Johnsons,

CORNER OF MAIN & MILL STREETS,

HAVE just opened, and will constantly keep on hand, for sale, either by retail or wholesale, an assortment of DOMESTIC MANUFACTURES.

CONSISTING OF—  
BROAD CLOTHS, NEGRO CLOTHS,  
CASSIMERES, BLANKETS,  
CASSINETS, HARD-WARE,  
SATINNETS, NAILS of every de-  
KERSEYS, scription, &c. &c.

They will also keep a constant supply of BANK, PRINTING, WRITING, LETTER, and WRAPPING PAPER.

Orders from any part of the country will be promptly attended to.

Lexington, Jan. 1, 1819-<sup>tf</sup>

The Editors of the Frankfort Argus and Georgetown Patriot, will please to insert the above three times.

Wm. R. Morton, & Co.

In the Corner House near the Public Square, formerly occupied by W. Essex.)

HAVE on hand, a large assortment of MERCANDIZE, consisting of all the various articles of the latest fashions in the

DRY GOODS LINE,  
GROCERIES, of the best quality,  
AND EVERY VARIETY OF

HARD, GLASS, CHINA & QUEENS  
WARE.

Also, best manufactured

PITTSBURGH NAILS,

SUGAR, COFFEE, TEAS & LIQUORS,

AT THE LOWEST PRICES.

All of which will be sold on the best terms.

Lexington, Jan. 1, 1819-<sup>tf</sup>

### HARD-WARE,

TO the amount of about \$10,000, well selected, for sale on a credit of 12 months, at a low advance, by

J. P. SCHATZELL,

Main street, Lexington.

Lexington, Jan. 1, 1819-<sup>tf</sup>

### NEW GOODS.

Arcambal & Nouvel,

Main street, fronting the Old Market Place,

HAVE just received their full supply, consisting of London superfine and common Cloths and Cassimere; Rose, Point and Duffl Blankets; Flannels, Coatings, Satinets, Stocking-net, Velvet Cord, Worsted Shirts and Drawers, Swandown and Toilingt Vesting; Irish Linens, Steam Loom and Cambrian Shirts;

3d, 6d, 8d, 10d Irish Diapers;

Peliss Cloths, Plush and Merino Trimmings; Bombezzets, Salsbury Flannels, Domestic Fluids; Damask, Imitation, and Waterloo Shawls; Flag and Bandanna Handkerchiefs, Merino nett Shawls, Silk Umbrellas, fine and common Morocco Shoes, black and colored Prunelle ditto; Ladies' and Gentlemen's furred Gloves, &c. &c.

A large assortment of DELF-WARE, HARD-WARE, GROCERIES and PAPER HANGINGS.

Also,

3 qr. casks 4th proof Cognac Brandy

2 do. do L. P. Madeira Wine.

Lex Dec. 25, 1818-<sup>tf</sup>

### James M. Pike,

At the Sign of the GOLDEN ROSE, Main street, has received a few Bottles of the unparalleled

MACASSAR OIL.

The Macassar Oil is so denominated, because it is composed of vegetable ingredients from an exotic plantation, appertaining to the island of Macassar, and is recommended on the basis of truth and experience. To sum up its extraordinary properties—it prevents baldness, and most efficaciously braces the pores of the head, which eminently tends to promote the growth of the hair; it nourishes the hair and produces a strong curl; it prevents its changing color in cases of sickness, anxiety of mind, deep study, &c.; it never fails to produce a soft, smooth, and beautiful gloss, which renders the hair imminently elegant; on artificial hair it will produce the same pleasing effects. In fine, as adding strength, affording nourishment, exciting to a luxuriant growth and brilliantly ornamenting and embellishing the human hair, there is none can equal it.—Price four dollars per Bottle, with directions for using, and an extensive treatise on the human hair, accompanying each bottle.

ALSO,

A few Bottles of the unadulterated RUSSIA OIL, which in its pure state, (independent of its other properties) has the very desirable effect of removing Bander and Scurf.—Price \$2 50, with directions.

He likewise has received an elegant assortment of Ladies Toilette Boxes, a few Cards of Rouge, Swandown Powder Puffs, Transparence Soap, Gentlemen's Rattans, &c. &c.

February 12-3t

### Henry Guibert,

RESPECTFULLY informs the Ladies and Gentlemen of Lexington, that he will reopen and commence a new quarter of DANCING SCHOOL, on Wednesday the 17th of February, at his BALL ROOM on Short-street.

TUITION.

Every WEDNESDAY MORNING, from 10 o'clock to one, and from 3 to 6 o'clock, P.M.

The first PRACTISING BALL, will take place on Wednesday the 24th inst. from 7 o'clock to 10—and every other Wednesday during the quarter. The Ladies are respectfully invited.

N. B. The parents wishing to send their sons to the Practising Ball, only, will find a subscription especially for them at Mr. Giron's Confectionary.

Evening School for the Gentlemen, will commence as soon as a sufficient number of pupils can be obtained. Subscription at Mr. Giron's Confectionary.

Lexington, Feb. 5, 1819-<sup>tf</sup>

### Garden Seeds.

THOS. HICKEN respectfully informs his friends and the public, that he has received a general assortment of the latest SEEDS;

where also may be had, at his Oil Cloth Factory, Main-street, a few paces below Main Cross-street, every description in the above line, such as Travelling Cloaks, as also Boots, do. Hat Covers, warranted, and not of the imported kind, wholesale and retail.

Lexington, Feb. 12, 1819-<sup>tf</sup>

### Blank Checks

JUST printed and for sale at the office of the Kentucky Gazette, CHECKS on the Farmers and Mechanics Bank of Lexington, in books, or by the quire. Also, Checks on the United States Branch and the Lexington Branch Banks

May 29-<sup>tf</sup>

### TOBACCO WANTED.

JUST received from NEW YORK, a well assured invoice of Merchandise, consisting chiefly of

### SPRING & SUMMER GOODS

to the amount of \$8,000, lately purchased there on the best terms; the whole or any part of them will be exchanged for crop tobacco of a good quality at the market prices. Apply to

G. WOODWARD, Main Street,

Lexington, Jan. 22, 1819-<sup>tf</sup>

New & Cheap Goods,

OPPOSITE THE OLD MARKET HOUSE

THE subscribers have just opened an elegant and complete assortment of

### MERCHANDIZE,

which they will sell at their usual reduced prices, for cash. A few of the articles of which the stock consists,

Super blue, black and fancy coloured broad cloths

Do do do do do pelisse do

Spotted ratinets, casimere, flanne, and Salisbury flannels

Black, blue, orange, scarlet, green and brown, plain and twilled bombezets

Rose and point blankets

Irish linens and sheetings

Steam loom and cambric shirtings

Silk, cotton and worsted hose, and every description of fancy articles

An extensive variety of black and colored morocco boots and shoes, for ladies, and

Boots for gentlemen.

Together with an entire assortment of Liverpool ware.

GEO. TROTTER & SON.

Jan. 15-<sup>tf</sup>

### Watch and Clock Making.

HENRY FLETCHER

RESPECTFULLY informs the inhabitants of Lexington and its vicinity, that he has employed a first-rate Watch Maker, recently from London, who is able from many years experience in that metropolis and other cities in Europe, to repair in the most faithful manner, all kinds of Repeating, Musical, Horizontal, Patent Lever, Duplex, and Plain WATCHES, and all kinds of CLOCKS. He is confident from the experience of the workman, to give entire satisfaction to all who may favor him with their commands. All orders will be executed with promptness.

Also—Watch Maker's Tools and Materials of the best quality.

Dec. 18, 1818-<sup>tf</sup>

whole Tickets, halves, and quarters, to be had of THOMAS JANUARY, who is the Chairman and Treasurer for the Managers.

While the above Scheme presents a brilliant prospect to the purchasers of tickets, of acquiring fortunes without incurring much risk, the object of the Lottery is such as to inspire the Managers with the most flattering hope, that they will be enabled to announce, in a very few weeks, the commencement of the drawing. Every benevolent heart, whose sensibilities are alive to the sufferings of the poor, the sick, and the infirm, and to the most efficient means of affording them permanent comfort and relief, will cordially unite with the Managers in the promotion of the speedy success of this Lottery. The completion of the Hospital Building, already in progress; and its preparation for the early reception of the suffering victims of misfortune and disease in the state at large, are objects which forcibly, and will not in vain, appeal to the hearts and the heads of an intelligent and charitable community. The Managers confidently rely upon these considerations, and on the number of prizes compared with the blanks, rendering the chances of obtaining the former unusually great, for a very rapid sale of the tickets.

Therefore, I, JAMES MONROE, President of the United States, do hereby declare and make known, that public sales for the disposal (agreeably to law) of certain lands in the territory of Missouri, shall be held as follows, viz.

At St. Louis, in the said territory, on the first Monday in August, October, December, February and April next, and three weeks after each of the said days, for the sale of lands in the land district of St. Louis. Thirty townships shall be offered at each sale, commencing with the most eastern ranges west of the fifth principal meridian line, and proceeding westerly.

At the Seat of Justice of Howard County, in the said territory, on the first Monday in September and November next, and three weeks after each of the said days, for the sale of lands in the land district of Howard County. Thirty townships shall be offered at each sale: The first to be in a square form, and to include the seat of justice of the said county, as nearly in the centre as the situation of the surveys will admit, and the second immediately east of the first, and in the same form; excepting from sale in each district, the lands which have been or may be reserved by law for other purposes.

Given under my hand, at the City of Washington, the thirtieth day of April, one thousand eight hundred and eighteen.

JAMES MONROE.

By the President.

JOSIAH MEIGS,

Commissioner of the General Land Office.

Printers who are authorized to publish the laws of the United States, will publish the above once a week till the first of May next, and send their bills to the General Land Office for payment.

ACTUAL FLOATING PRIZES ARE,

1 Prize of 10,000 Dollars.

1 " of 5,000 "

2 " of 1,000 "

12 " of 500 "

15 " of 100 "

350 " of 50 "

Whole Tickets, halves, and quarters, to be had of THOMAS JANUARY, who is the Chairman and Treasurer for the Managers.

While the above Scheme presents a brilliant prospect to the purchasers of tickets, of acquiring fortunes without incurring much risk, the object of the Lottery is such as to inspire the Managers with the most flattering hope, that they will be enabled to announce, in a very few weeks, the commencement of the drawing. Every benevolent heart, whose sensibilities are alive to the sufferings of the poor, the sick, and the infirm, and to the most efficient means of affording them permanent comfort and relief, will cordially unite with the Managers in the promotion of the speedy success of this Lottery. The completion of the Hospital Building, already in progress; and its preparation for the early reception of the suffering victims of misfortune and disease in the state at large, are objects which forcibly, and will not in vain, appeal to the hearts and the heads of an intelligent and charitable community. The Managers confidently rely upon these considerations, and on the number of prizes compared with the blanks, rendering the chances of obtaining the former unusually great, for a very rapid sale of the tickets.

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Dec. 18, 1818-<sup>tf</sup>

Notice.

THE subscribers having rented Mr. Hart's

Rope Walk for a term of years, with the intention of carrying on the

### Rope-Making Business.

In all its various branches, they will give the highest price in CASH for HEMP, delivered at said Walk, where BALE ROPE, CABLES and TAILED ROPE, of all descriptions, may be had on the shortest notice, warranted of equal quality to any manufactured in the United States. They wish to purchase a quantity of TAR.

MORRISON & BRUCE.

May 22, 1818-<sup>tf</sup>